

EXHIBIT
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

CHARLOTTE DIVISION

CPI SECURITY SYSTEMS, INC.)
)
Plaintiff,)
) AUDIO TRANSCRIPT
v.)
)
VIVINT SMART HOME, INC.,)
f/k/a MOSAIC ACQUISITIONS CORP.;)
LEGACY VIVINT SMART HOME, INC.,)
f/k/a VIVINT SMART HOME, INC.,)
)
)
Defendants.)

AUDIO RECORDING OF "ASHLEY"

1 ASHLEY: Hello.

2 UNIDENTIFIED SPEAKER: Hi, this is (unintelligible)
3 with CPI Security.

4 ASHLEY: Hi, how are you?

5 UNIDENTIFIED SPEAKER: I'm doing good. Am I speaking
6 with Miss Ashley?

7 ASHLEY: Yes, you are.

8 UNIDENTIFIED SPEAKER: How are you today?

9 ASHLEY: I'm doing well. How about yourself?

10 UNIDENTIFIED SPEAKER: I'm doing pretty good. I was
11 reaching out to you with regards to your request for
12 cancelation.

13 ASHLEY: Uh-huh.

14 UNIDENFIED SPEAKER: So I was wanting to help you out
15 with that. What was the reason you were wanting to terminate
16 services? It looks like it's currently already disconnected.

17 ASHLEY: Yes. We actually went with a different
18 system, a different alarm system.

19 UNIDENFIED SPEAKER: You went with another provider?
20 Do you mind me --

21 ASHLEY: Yes.

22 UNIDENFIED SPEAKER: -- asking who that may be?

23 ASHLEY: Vivint.

24 UNIDENFIED SPEAKER: Oh, Vivint. Okay. Uh-huh. And
25 you've already had the system installed?

1 ASHLEY: Yes.

2 UNIDENFIED SPEAKER: Okay. I mean -- in regards to
3 Vivint it's a pretty good company, but what was the reason you
4 were wanting to cancel with us?

5 ASHLEY: Vivint just offered a little bit more than
6 you guys did for us so it -- just having more security.

7 UNIDENFIED SPEAKER: Oh, okay. Okay. Did you add
8 like cameras and things to your system?

9 ASHLEY: Correct.

10 UNIDENFIED SPEAKER: Okay. It looks like you
11 invested a lot of money into this system with us as well, so I
12 mean, as far as Vivint, I know they -- it's a pretty -- pretty
13 good company but their equipment costs a lot. And usually
14 they have it stretched out over a 60-month period. Is that
15 the process that you went through?

16 ASHLEY: Yeah, basically it is.

17 UNIDENFIED SPEAKER: I was wanting to see if there's
18 any way we can -- because we can offer you a -- we have some
19 pretty good offers that we're doing right now for our
20 customers. The best I've seen since I've been here. I've
21 been here for about three years, so I would love to give you
22 an offer if I can in regards to the time you still have
23 remaining, plus with you still being in an agreement with us
24 it's tortious interference for them to be able to install a
25 system on top of another agreement so we'll be able to get you

1 out of that agreement if we can. And we have some pretty good
2 offers right now. I can kind of give you a quote into -- I'll
3 tell you it would be probably be by far greater than what
4 Vivint is currently offering right now for their system.

5 ASHLEY: Okay. I'm willing to listen. I don't
6 know -- I would have to get with them to see if we can get out
7 of what we already signed it them. I don't know if we can or
8 not right now.

9 UNIDENTIFIED SPEAKER: Oh, no. You've got -- it's
10 tortious interference, so no matter what type of agreement
11 they have set up under, we'll be able to get you out just by
12 say sending you that agreement, because being that you're
13 already in an agreement with us, you would be able to get --
14 able to get out of that.

15 ASHLEY: Okay. All right, sure. Let me hear what
16 you guys have.

17 UNIDENTIFIED SPEAKER: So in regards to them upgrading
18 your system, what did they add that was better than --

19 ASHLEY: They have the motion sensor on all of our
20 windows in the back, a backyard camera. They updated our
21 doorbell camera and front camera, and then just more so with
22 the alarm system it calls out quicker just to the police and
23 the fire department with their chips that they have.

24 UNIDENTIFIED SPEAKER: And they don't have the two-way
25 response where they come over the speaker to verify there's an
5

1 actual alarm to prevent false alarms?

2 ASHLEY: They do.

3 UNIDENFIED SPEAKER: They have that?

4 ASHLEY: Uh-huh. They do that as well, yep.

5 UNIDENFIED SPEAKER: Yeah. And is it the same as far
6 as them being able to talk throughout the whole house?

7 ASHLEY: Correct.

8 UNIDENFIED SPEAKER: Because usually in regards to
9 our test with them, you really have to be in the room in order
10 to be able to hear that, so I know that's one feature by far
11 that stands out in regards to us.

12 We also have video verification as well where we can
13 look at the cameras any time something goes wrong, so a lot of
14 time we'll be able to see what's happening which is better for
15 the police department so they'll know exactly what they're
16 looking for just in case someone was still there in the home.

17 ASHLEY: Okay.

18 UNIDENFIED SPEAKER: So I mean, in regards to that,
19 we can get you set up. So it looks like you're wanting to get
20 the motion detector?

21 ASHLEY: Uh-huh.

22 UNIDENFIED SPEAKER: And you're wanting to do the
23 back camera?

24 ASHLEY: Yep.

25 UNIDENFIED SPEAKER: It looks like with us right now

6

1 you already have let me see the doorbell.

2 ASHLEY: The doorbell.

3 UNIDENFIED SPEAKER: That was the only camera that
4 you had with us?

5 ASHLEY: Yep, uh-huh.

6 UNIDENFIED SPEAKER: Do you still have that -- the
7 equipment that we have there?

8 ASHLEY: Yeah. I still have the equipment.

9 UNIDENFIED SPEAKER: All right. So all this other --
10 other things we can put back up. You still have the light and
11 the lock?

12 ASHLEY: Yes.

13 UNIDENFIED SPEAKER: And the thermostats? I just
14 have to make sure.

15 ASHLEY: Yes.

16 UNIDENFIED SPEAKER: Okay. And then you have the
17 sensor. So the motion detector that they was talking about,
18 you said they had it pointing towards like your back windows?
19 How does that work?

20 ASHLEY: Yeah. So the side back window, the main
21 back window, and then our screen door and the kitchen window.

22 UNIDENFIED SPEAKER: So did they put like -- because
23 we have a motion detector on the system already which usually
24 you have window sensors and you have the door senors which
25 protect the exterior part of the time. Are those windows not

1 protected in regards to sensors?

2 ASHLEY: No. They are. So we do have the front door
3 but now this is more so where the way it is that the range,
4 like a full range of like a garage door opening sensor, so if
5 anyone comes in that way windows and everything so it's
6 protecting the whole back of our house.

7 UNIDENTIFIED SPEAKER: Okay. So I'll put the motion
8 detector for the back of the home. And then the back
9 camera --

10 ASHLEY: Uh-huh.

11 UNIDENTIFIED SPEAKER: With our back camera, we have a
12 new motion detection. It's something that's a little bit
13 different than a motion detection on a doorbell camera, but
14 have you select like a certain perimeter or the like a virtual
15 line where if they go past that line or they step into that
16 area, it's going to start recording for you right away. And
17 just like a doorbell, it will send a notification right to
18 your phone but with this one, you'll get a picture of who
19 actually -- was out there.

20 ASHLEY: Uh-huh.

21 UNIDENTIFIED SPEAKER: And then, like, you'll be able
22 to look at the video right from your phone as well. So along
23 with that feature currently you're looking at, let me see, 129
24 plus the 299 which is the equipment cost for it is 428.

25 ASHLEY: Uh-huh.

8

1 UNIDENFIED SPEAKER: We'll have to -- I think you
2 stated that you had an interior camera as well, was that
3 right?

4 ASHLEY: Say that again. I'm sorry. I didn't hear
5 that part.

6 UNIDENFIED SPEAKER: Did you get an interior camera
7 with this?

8 ASHLEY: No. I got another outdoor of like the
9 garage but we have the doorbell camera and then like the
10 garage area, we have that camera.

11 UNIDENFIED SPEAKER: Okay. And you have one for the
12 back, right?

13 ASHLEY: Correct.

14 UNIDENFIED SPEAKER: Okay. Got it. So right now
15 currently we're looking at 727 with what you're -- what you're
16 wanting to add. You have about 33 months remaining if we were
17 to keep your payments going on the 33-month.

18 ASHLEY: Uh-huh.

19 UNIDENFIED SPEAKER: So that's \$22.03 -- sorry --
20 yeah, yeah, yeah. Yeah, 23 -- \$22.03 in regards to your
21 monthly payment. And then you currently have a payment with
22 us already for \$12.10. So you're looking at \$34.13 if you
23 were to stay here with us in regards to your equipment.

24 As far as your monitoring, usually you have to be at
25 50 -- 54.99 without adding any cameras because the rate goes
9

1 up, but what I'm willing do for you to keep your business here
2 with us is I can provide that to you at 49.99 a month.

3 ASHLEY: So the total bill would be what, 80
4 something?

5 UNIDENTIFIED SPEAKER: Correct. I'm getting that for
6 you now. 39.99 -- so you're looking at \$74 -- oh, I'm sorry
7 34.13 plus 49.99 -- \$84.12.

8 ASHLEY: I'm just letting my fiancee' know what's
9 happening.

10 UNIDENTIFIED SPEAKER: So 727. (unintelligible).

11 ASHLEY: So how would you be able to -- because I
12 think what's happening if we were to leave, you know, Vivint,
13 I think we can get out of the contract but I'm not sure how to
14 get out of everything altogether but where we were owe them
15 still, so how does that work?

16 UNIDENTIFIED SPEAKER: So in regards to tortious
17 interference, we just have to show the agreement so I'm going
18 to go ahead and -- let me get this email sent while we're on
19 the phone here really quick.

20 ASHLEY: Okay.

21 UNIDENTIFIED SPEAKER: Hold on one moment. So once I
22 send you the agreement, it will show the agreement that you
23 still have time remaining with us so you have about 33 months,
24 and if you were to do the payments your maturity date would be
25 April the 2nd of 2023.

1 ASHLEY: Uh-huh.

2 UNIDENFIED SPEAKER: So basically that will still
3 show that you're in agreement with us and that you haven't
4 canceled out, that your account is still active so they will
5 have to let you out of that agreement. We have plenty of
6 cases in regards to this, so it is called tortious
7 interference. So it will be an email that I'm about to send
8 you.

9 ASHLEY: Okay.

10 UNIDENFIED SPEAKER: All right. Let me take a look
11 here, see, verify your email.

12 ASHLEY: Uh-huh.

13 UNIDENFIED SPEAKER: Is it
14 douglasricardo.11@gmail.com?

15 ASHLEY: Yes. And can you also add another email as
16 well?

17 UNIDENFIED SPEAKER: I can.

18 ASHLEY: Let me know whenever you're ready.

19 UNIDENFIED SPEAKER: Oh, I think I have it here. It
20 says primary email, agoodman322@gmail.com?

21 ASHLEY: That is correct. If you send that to both
22 of them, please.

23 UNIDENFIED SPEAKER: All right. Let me put that on
24 for you. So it will have the agreement attached to it and
25 then it will have my contact information so you'll be able to

1 reach me directly as well.

2 ASHLEY: Okay. Perfect.

3 UNIDENFIED SPEAKER: In regards to getting you set
4 up, let me take a look at our schedule and see what we have.
5 We may have request something early for you where we can get
6 someone out to install it, but I know our upgrade appointments
7 they're pretty much booked right now.

8 ASHLEY: Yeah, that's no problem -- I just -- I
9 definitely want to discuss it with my finance' just let him
10 share, you know, what guys are saying and stuff like that, and
11 then kind of an understanding how we can basically not be
12 paying for equipment for both companies. That's just a long
13 one. We just don't want to have extra equipment just to have
14 it.

15 UNIDENFIED SPEAKER: Okay. Certainly. So in regards
16 to that, I'll just keep it like as like TBA right now.

17 ASHLEY: Okay.

18 UNIDENFIED SPEAKER: And when will be a good time for
19 me to reach out to you?

20 ASHLEY: Honestly if you give me -- let me see,
21 because I want to make sure that he can be home. Can you call
22 back this evening by any chance?

23 UNIDENFIED SPEAKER: I leave at six so I mean it's
24 like 5:35, 6:00 o'clock.

25 ASHLEY: Yeah. I was going to say -- yeah, I was

1 going to say 4:00, 4:30, 5:00.

2 UNIDENFIED SPEAKER: Oh, yeah.

3 ASHLEY: I think actually 5 o'clock would be great.

4 UNIDENFIED SPEAKER: Okay. Perfect. I'll reach out
5 to you at 5:00 then.

6 ASHLEY: Okay. Yeah. Just so he can hear and ask
7 any questions if he has anything and then we can kind of make
8 a decision and then we'll let you know probably by tomorrow.

9 UNIDENFIED SPEAKER: All right. That works.

10 ASHLEY: Okay.

11 UNIDENFIED SPEAKER: I'm getting this email sent out
12 to you now and I hope you enjoy the rest of your day.

13 ASHLEY: Perfect. Okay. Thank you so much I
14 appreciate you giving me a call.

15 UNIDENFIED SPEAKER: Thank you. Bye-bye.

16 ASHLEY: Bye.

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1 CERTIFICATE

2 STATE OF UTAH)
3 COUNTY OF WEBER) ss.

4
5 I, Tracy A. Fresh, do hereby certify that the
6 foregoing pages 2 through 12 constitute a true and accurate
7 transcript of the audio proceedings to the best of my
8 knowledge and ability as a Certified Court Reporter in and
9 for the State of Utah.

10 Dated this 21st day of October, 2021.

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14 Tracy A. Fresh, RPR, CCR
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